

REMARKS

Claims 1, 3-12, 14-23, 26-30 and 40-42 are pending in this application. By this Amendment, claims 1, 3-6, 12, 14-17, 19, 21, 22, 27, and 30 are amended, claims 24, 25, 31 and 33-39 are canceled, and claims 40, 41 and 42 are added. Support for the amendments to claims 1, 12 and 27 and new claims 40-42 can be found, for example, in originally filed claim 25, pages 70 and 71 of the originally-filed specification and steps 508 and 509 of Fig. 14.

Claim 14 is amended to incorporate features canceled from claim 12. Claims 3-6, 14-17, 19, 21, 22 and 30 are amended for clarity. No new matter is added.

Applicant appreciates the courtesies shown to Applicant's representative by Examiners Riddle and Mathews in the June 8, 2010 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

Claims 11 and 26 are rejected under 35 U.S.C. §112, second paragraph, for allegedly being incomplete for omitting essential steps. Applicant respectfully traverses the rejection.

The Office Action alleges that development of the substrate is an essential step that is omitted, citing MPEP §2172.01. This section of the MPEP states that "[a] claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. §112, first paragraph, as not enabling. Such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements described by the applicant(s) as necessary to practice the invention" (emphasis added, internal citations omitted). MPEP §2172.01 references MPEP §2164.08(c) for further clarification. MPEP §2164.08(c) states that "[i]n determining whether an unclaimed feature is critical, the entire disclosure must be considered. Features which are merely preferred are not to be considered critical. . . . [A]n enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention

to function as intended." The specification does not suggest that development of the substrate is critical for the invention to function. Thus, Applicant respectfully requests withdrawal of the rejection.

Claims 30 and 37 are rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Claim 37 has been canceled, rendering its rejection moot. Applicant respectfully traverses the rejection of claim 30.

The Office Action alleges that claim 30 provides for the use of an exposure system according to claim 27, but does not set forth any steps involved in the method or process. Applicant respectfully disagrees. For example, claims 30 recites "a device pattern is transferred onto a photosensitive object." Thus, claim 30, in both its current and previously presented forms, recites at least one step. But, in order to advance prosecution, claim 30 has been amended to recite "performing further lithography processing" as suggested during the personal interview. Applicant respectfully requests withdrawal of the rejection.

Claims 30 and 37 are rejected under 35 U.S.C. §101 for allegedly not being a proper process claim. Claim 37 has been canceled, rendering its rejection moot. Applicant respectfully traverses the rejection of claim 30.

In rejecting claim 30 under §101, the Office Action relies on *Ex parte Dunki*, which is cited in MPEP §2173.05(q). This section of the MPEP states that "[a]ttempts to claim a process without setting forth any steps involved in the process generally raises an issue of indefiniteness." As noted above in responding to the rejection under §112, second paragraph, claim 30 recites at least one step. Thus, claim 30, in both its current and previously presented forms, sets forth a step, and a rejection under 35 U.S.C. §101 is improper. But, in order to advance prosecution, claim 30 has been amended as discussed above. Applicant respectfully requests withdrawal of the rejection.

Claims 1, 3-12, 14-24, 26, 31, 33, 34, 36 and 37 are rejected under 35 U.S.C. §103(a) over Sugita, JP 2000-021763, in view of Kudo, JP 10-340846. Claims 24, 31, 33, 34 and 37 have been canceled, rendering their rejection moot. The rejection with respect to the remaining claims is respectfully traversed.

Claim 1 recites that "said exposure method is performed using a single exposure apparatus and said same photosensitive object is exposed with one illumination area, between said projection optical system and said photosensitive object, for said at least one exposure and said another exposure of said plurality of times of exposure." In rejecting canceled claims 38 and 39, the Office Action admits that the combination of Sugita and Kudo fails to disclose an exposure method that is performed using a single exposure apparatus. The Office Action cites Berman et al., U.S. Patent No. 6,894,762, for allegedly disclosing using a single exposure apparatus, citing Berman's dual source photolithography system 300 and Fig. 1. However, as can clearly be seen in Berman's Fig. 3, Berman includes dual stages 306 and 308 for transferring wafers between lithography modules 302 and 304 (see col. 8, lines 44 and 45). Thus, Berman teaches exposures in different illumination areas and fails to disclose that "said same photosensitive object is exposed with one illumination area for said at least one exposure and said another exposure of said plurality of times of exposure" as recited in claim 1.

Claim 12 recites that "said exposure under said first exposure condition and said exposure under said second exposure condition are severally executed in a same exposure apparatus with one illumination area between said optical member and said photosensitive object." Thus, claim 12 is patentable at least for the same reasons as claim 1.

Claims 3-11, 14-23 and 26 are patentable by reason of their dependency from one of independent claims 1 and 12, as well as the additional features they recite. Applicant respectfully requests withdrawal of the rejection.

Claims 25, 38 and 39 are rejected under 35 U.S.C. §103(a) over Sugita in view of Kudo and Berman. Claims 25, 38 and 39 have been canceled, rendering the rejection moot.

Claims 27, 29 and 30 are rejected under 35 U.S.C. §103(a) over Sugita in view of Kudo and Berman. Applicant respectfully traverses the rejection.

Claim 27 recites that "the exposure apparatus is a single exposure apparatus and said same photosensitive object is exposed with one illumination area, between said projection optical system and said same photosensitive object, for said at least one exposure and said another exposure." Thus, claim 27 is patentable at least for the reasons discussed above with respect to claim 1.

Claims 29 and 30 are patentable by reason of their dependency from independent claim 27, as well as for the additional features they recite. Applicant respectfully requests withdrawal of the rejection.

Claim 28 is rejected under 35 U.S.C. §103(a) over Berman in view of Kudo and Fujishima et al., JP 2000-058436. Applicant respectfully traverses the rejection.

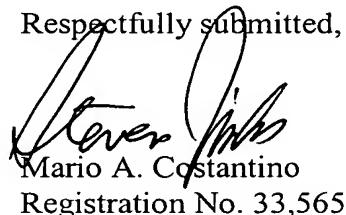
The rejection of claim 28 is premised upon Berman and Kudo disclosing, or having rendered obvious, all the features of claim 27. As discussed above, these references fail to do so. Further, Fujishima fails to overcome the deficiencies of Berman and Kudo. Thus, claim 28 is patentable by reason of its dependency from independent claim 27, as well as for the additional features it recites. Applicant respectfully requests withdrawal of the rejection.

Claim 35 is rejected under 35 U.S.C. §103(a) over Sugita in view of Kudo and Ando. Claim 35 has been canceled, rendering the rejection moot.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time

Date: June 11, 2010

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